

## 15 FAM 460

# USAID ACQUISITION OF PROPERTY

*(CT:OBO-1; 04-29-2005)*  
*(Office of Origin: OBO)*

## 15 FAM 461 BASIC POLICIES AND LIMITATIONS

*(CT:OBO-1; 04-29-2005)*  
*(USAID only)*

- a. **Applicability:** Section 636(c) of the Foreign Assistance Act of 1961, as amended, applies to all construction, purchase, and long-term leasing that has as its primary purpose the provision of housing, office, or other facilities for the use of USAID employees.
- b. **Conditions for authorization:**
  - (1) Under the basic policy as stated in 15 FAM 412.3, living quarters, office space, warehouses, and maintenance and utility facilities will have first priority. Use of 636(c) authority for schools and hospitals will be confined to facilities primarily necessary to meet USAID requirements;
  - (2) Personnel and dependents of other U.S. agencies are provided for to the extent that such usage will not substantially increase the size and cost of the facility required to meet USAID's needs. Facilities constructed or purchased under this authority will be of a modest functional type that will meet minimum basic requirements; and
  - (3) When facilities are constructed on land provided by the government of the cooperating country, every effort must be made to obtain written agreement with the government that the facilities will be available for use to the U.S. Government free of charge as long as the United States has need of them.
- c. **Construction not chargeable to 636(c):** Facilities and housing that will ultimately become permanent quarters for the cooperating-country government staff, even though they may be temporarily occupied by USAID employees, will **not** be charged to Section 636(c) if they meet all of the following conditions:
  - (1) They are an integral and necessary part of a project facility;
  - (2) They are included in the project or other agreement under which

- USAID is furnishing the assistance to which the housing relates;
- (3) They are of a type and character consistent with the project facility and other housing in the locality; and
  - (4) They are consistent with the reasonable requirements of non-U.S. personnel who will ultimately occupy it in furtherance of the project's objectives.
- d. **Recreation and community-type facilities:** The construction or purchase of recreational and community-type facilities will normally be accomplished through employee efforts, including group financial contributions. The use of Section 636(c) authority for such purposes will be approved by the Assistant to the Administrator for Management (AA/M) of USAID only in extraordinary situations when it is demonstrated that maximum efforts have been made by the community itself.
- e. **School construction:** The provision or improvement of school facilities for education of dependent children will normally be accomplished by assistance under Section 636(c) to institutions already established or to be established. Schools will not be constructed under the authority of Section 636(c) except in those places where educational requirements cannot reasonably be met by any means other than through the construction or purchase of a U.S. Government facility.
- f. **Definitions:**
- (1) "Otherwise acquire" applies only to purchase and long-term lease of real property. Section 636(c) authority does not apply to short-term leased facilities;
  - (2) "Personnel carrying out activities" applies to direct-hire, participating agency, and contractor personnel hereinafter referred to as "employees." Use of facilities by contractor personnel will be determined by the terms of the contract;
  - (3) "Necessary supporting facilities" applies to land and structures that are essential to mission or program activities, such as warehouse or garage facilities.

## 15 FAM 462 REQUESTS FOR ACQUISITIONS

*(CT:OBO-1; 04-29-2005)*  
*(USAID only)*

- a. USAID missions will include their requirements for programs under 636(c) of the Foreign Assistance Act of 1961, as amended, in funding requests which must be fully justified and prepared in accordance with 15 FAM 432.2.

- b. **Final approval:** Following individual approval by the Assistant to the Administrator for Management (AA/M), USAID/Washington (USAID/W) and allocation of authority in the out-year-budget program, USAID missions will submit, upon request, detailed professional plans, specifications, and estimated cost figures to the Overseas Management Support Division in the Bureau for Management (M/OMS), for approval prior to contracting for purchase. When a proposal to acquire property has been approved by USAID/W, the USAID mission will proceed with the acquisition in accordance with 15 FAM 432 through 15 FAM 450.

## **15 FAM 463 THROUGH 469 UNASSIGNED**